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general reader until the time when a more thorough and comprehensive study of this subject shall appear.

The Electoral System of the United States. By J. HAMPDEN DOUGHERTY. (New York and London: G. P. Putnam's Sons. 1906. Pp. iv, 425.)

MR. DOUGHERTY'S volume belongs to the class of books with a purpose. Its object is to show, by means of a detailed study of the workings, from the beginning, of the provisions of the Federal Constitution in regard to the election of President and Vice-president, the imperative need of amending those provisions; the author's views regarding the needed changes, indicated from time to time as the discussion proceeds, being embodied at the end in a carefully drawn and elaborate proposition of amendment. The work falls, accordingly, into two parts: one, a critical survey of the history of the electoral system, important for the student of politics and constitutional law; the other, a proposal of change which, however sensible or practicable, has primary interest for the statesman or political scientist rather than for the historian.

While we cannot but think that Mr. Dougherty's work would have profited by condensation, particularly in its summaries of the opinions of members of Congress, its historical merits are both sound and considerable. So far as he has gone, his work is not likely to need doing over again. Although the primary authorities are seldom directly cited, the text shows that the main reliance has been upon the journals and debates of Congress, with the occasional addition of the statutes and court decisions. Secondary authorities, save now and then a magazine article, are rarely referred to.

After a brief introduction setting forth the need of amending the electoral system, Mr. Dougherty proceeds at once to examine the electoral provisions of the Constitution, with the debates attending them, and the law of 1792 fixing the time and place for the meeting of the electors and providing for the presidential succession. Two succeeding chapters survey the problems which developed from 1793 to 1857 in connection with the electoral count—problems which showed an irreconcilable difference of opinion in Congress as to the seat of final authority in counting, but which were to wait yet thirty years for statutory treatment. The elections from 1860 to 1872 emphasized the danger involved in disputed or defective returns, and demonstrated that "either the Constitution had proven faulty or Congress had for years shirked its duty in failing to pass any general law to regulate the count" (p. 85). The great contest of 1876-1877 and the electoral count act of 1887 are treated at much length, more than a third of the volume being allotted to this part of the subject. Mr. Dougherty pronounces the much-praised act of 1887 a "quagmire" (p. 246), and the term is not too strong; for not only does the act assume to give to Congress an unwarranted power over the count, but it also fails to provide for the settlement of some of the

gravest questions which a presidential election might easily produce, *e.g.*, the choice of an ineligible elector. The historical discussion closes with two chapters, in some respects the most informing of all, on the historical development of the appointment of electors, the evils of the general-ticket system, and the amendments relative to the electoral system presented in Congress.

Mr. Dougherty has little difficulty in proving—if there were need of proving—that the electoral provisions of the Constitution are hopelessly antiquated, that existing laws are no bar to the recurrence of difficulties such as have already convulsed the nation, and that the only safety lies in a constitutional amendment. What he proposes is to abolish the electoral college altogether, and while continuing to allot electoral votes to each state on the same basis as at present, to divide the electoral votes among the several candidates in exact proportion to the total vote cast for each candidate in the state. The person receiving the highest number of electoral votes in all the states would become President. The provisions for the return and count of the votes, too elaborate even for summary here, aim to cover all possible disputes incident to a tie, leaving to each state the canvass of its own vote by designated officials, and requiring the authentication of the returns of the canvassers by the executive of the state. All controversies being thus left to the determination of the state, the count at Washington would be reduced to a mere enumeration, and a formal declaration of the result of the vote.

This is not the place to discuss at length the merits of Mr. Dougherty's plan. Apparently, it covers the principal conditions from which controversy has hitherto sprung, save that of dual returns from rival state governments: and here the author frankly admits its insufficiency. It goes far to give minority representation in the choice of President, though we doubt if the average voter, if he be in the minority, values his vote as highly as Mr. Dougherty seems to think he does. Lastly, the plan attacks the existing difficulty in the only right way, that of amending the Constitution. To amend the Constitution, however, is a serious matter. It is a striking commentary on political thinking in this country that Mr. Dougherty's book will probably receive from Congress or its members no consideration whatever. Only students and reformers will see in it a valuable contribution to the history of our electoral system, a clear and forcible exposure of dangerous political and constitutional defects which ought to be cured, and a sensible suggestion of remedy.

WILLIAM MACDONALD.

The American Nation: A History. Edited by ALBERT BUSHNELL HART. Volume II. *The Federalist System, 1789-1801.* By JOHN SPENCER BASSETT. (New York and London: Harper and Brothers. 1906. Pp. xviii, 327.)

It would be much to ask from a writer on the administrations of Washington and John Adams a novel presentation of the facts or a new